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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PF020080		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/EP 03/50272		International filing date (day/month/year) 27.06.2003	Priority date (day/month/year) 28.06.2002
International Patent Classification (IPC) or both national classification and IPC H04N7/62			
Applicant THOMSON LICENSING S.A. et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 28.01.2004		Date of completion of this report 13.09.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Zanella, C Telephone No. +49 89 2399-8960 	

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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-5, 7-30 as originally filed
6, 6a received on 16.07.2004 with letter of 16.07.2004

Claims, Numbers

3-25 as originally filed
1, 2 received on 16.07.2004 with letter of 16.07.2004

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☒ the description, pages: 6
☒ the claims, Nos.: 1,2
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-25
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: WO 01 60061 A (KONINKL PHILIPS ELECTRONICS NV) 16 août 2001 (2001-08-16)

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document): a recognition unit for recognizing synchronisation signals ("signatures", see for ex. the abstract) in a audiovisual program received, and for executing action instructions in case of detection of said synchronisation signals (for example "initiate recording or continue recording beyond a preset time period", see page 5, lines 16,17).

Further, it is clear from document D1 that the scope of the disclosure is not limited to signatures within a programme to be recorded, but also signatures present in programs associated with the program to be recorded can be used by decision logic 106 ("...or other segment of the input video is associated with the program to be recorded. ", see page 5, lines 10-12); an example is given by the detection of commercials preceding a program (see page 7, lines 21-24).

Document D1 therefore discloses the characterising portion of claim 1 : after detection of a commercial preceding a program to be recorded decision logic module 106 provides for a timeout before dispatching the action instruction of recording; another example of an action which undergoes a predetermined timeout a "preset time period" is also disclosed on page 5, lines 16, 17.

Remaining features of the subject-matter of claim 1 - as for example subdivision of the claimed recognition unit in some functional modules - only relate to details of implementation which are considered within the freedom of the skilled person and that thus do not justify the existence of an inventive step.

The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding

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independent claims 12,15, 17-23 and 25 ; in this connection it is noted that also in the device disclosed by D1 recognition elements (for example logos, see page 8) and action timeout lags must be supplied to the receiver in order to determine the correct time for stopping a recording process. These claims therefore are also considered not inventive.

Under due consideration of the general knowledge of the person skilled in the art working in the field relating to pattern recognition (see for example the disclosures of US-A-5 920 477 (HOFFBERG STEVEN M ET AL) 6 juillet 1999 (1999-07-06) and US-A-4 230 990 (LERT JOHN G JR ET AL) 28 octobre 1980 (1980-10-28))

also the remaining dependent claims 2-11,13,14,16 and 24 do not appear to contain any additional features which involve an inventive step when combined with the features of any claim to which they refer and therefore do not meet the requirements of Article 33(3) PCT.

The presently claimed subject-matter relates to the field of electronics and in particular to the design of electronic devices which are then manufactured by the industry. The present claims possess thus industrial applicability.